

*35 U.S.C. § 102(b)*

Claims 20 and 33 were rejected under 35 U.S.C. § 102(b) as being anticipated by Foster. Claims 20 and 33, as amended, are not anticipated by Foster. Claim 20 recites that the tube member is removable into a downward orientation for accessing a fluid source while the aircraft flies translationally over the fluid source. Similarly, claim 33 recites that the tube member has a distal end having a fluid inlet configured to be entirely submerged in a fluid source while the aircraft flies translationally over the fluid source. Foster's device relates to a float plane in which the plane floats on the surface of the water during a fluid loading procedure. Foster fails to teach or suggest the features recited in the claims. Therefore, the § 102(b) rejection should be withdrawn.

*35 U.S.C. § 103(a)*

Claims 23 and 24 are rejected under 35 U.S.C. § 103(a) in view of Foster and Nichols.

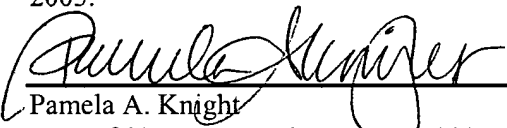
Claims 23 and 24 depend from claim 20. Applicants have already explained that Foster fails to teach or suggest the fluid conduit device that accesses a fluid source while the aircraft flies translationally over the fluid source. Neither Foster, Nichols, or any of the other references of record, individually or in any combination, teach or suggest a tube member which is configured for accessing a fluid source while the aircraft flies translationally above the fluid source. Nichols involves a flexible hose device designed to load fluid while the helicopter hovers over the fluid source. If Nichols' helicopter were to translate while attempting to load fluid, the flexible hose would bounce rendering it ineffective. Thus, Nichols' snorkel system is another example of a hovering "helitanker"

which tends to suffer from salt accumulation in the engine, as discussed in applicants' patent application on page 1, line 19 to page 2, line 7. In contrast, the claimed invention allows the aircraft to load water, particularly salt water, without significant splashing or contacting the bottom of the aircraft with potentially corrosive salt water. Accordingly, all of the pending claims are patentable over the art of record and in condition for allowance. Please contact applicants' undersigned attorney if there are any additional issues to address.

Respectfully submitted,

CERTIFICATE OF MAILING

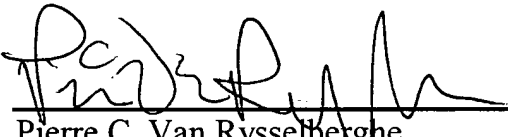
I hereby certify that this correspondence is being sent via first class mail in an envelope addressed to: Box FEE AMENDMENT, Commissioner for Patents, Washington, D.C. 20231 on February 24, 2003.

  
Pamela A. Knight

Date of Signature: February 24, 2003



KOLISCH HARTWELL, P.C.

  
Pierre C. Van Rysselberghe  
Registration No. 33,557  
Customer PTO No. 23581  
of Attorneys for Applicants  
200 Pacific Building  
520 SW Yamhill Street  
Portland, Oregon 97204  
Telephone: (503) 224-6655  
Facsimile: (503) 295-6679